



## Prevention of Sexual Harassment at Workplace (POSH) Policy

### 1. Introduction:

At **Leitz Tooling Systems India Pvt Ltd.** (hereinafter referred to as “the Company”) we desire to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protecting the dignity and respect of every individual. Integrity, honesty, transparency and respect for people remain some of our core values. Therefore, we have zero tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary action.

The “Prevention of Sexual Harassment at Workplace (POSH) Policy” is meant to educate the employees of the Company about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent the occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

The policy is made in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereunder (hereinafter referred to as “the Act”).

The Company will exercise the utmost care in treating the entire process with the dignity, sensitivity and respect it merits including protection of the aggrieved person.

### 2. Applicability:

This “Prevention of Sexual Harassment (POSH) Policy” is applicable to:

- I. Every employee across the Company – permanent, temporary, Trainees or Interns, probationary and on contract and visitor;
- II. The definition of sexual harassment at workplace shall include any harassment of sexual nature caused to any employee and /or to third party by an employee of the company. It would also include harassment caused to or by any gender.
- III. An alleged act of sexual harassment is said to have occurred at workplace, whether sexual harassment has taken place within or outside the company premises when the employee is in the course of work, which includes and is not limited to transportation provided by the employer, business trips, business meetings and business-related social events.
- IV. This policy is applicable only when the Respondent or both the Respondent & the Aggrieved Person is an employee/agent of the company. It is not applicable when the Respondent or both the Respondent & the Aggrieved Person are third parties.

### 3. Definitions:

- I. **Sexual Harassment:** “Sexual Harassment” is any one or more of the following unwelcome acts or behavior namely: -
  - i. physical contact and advances; or
  - ii. a demand or request for sexual favors; or
  - iii. making sexually colored remarks; or
  - iv. showing pornography; or



- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

This includes verbal, non-verbal or physical conduct such as obnoxious comments or utterances, remarks or jokes, letters, phone calls, SMS or emails, gestures, showing pornography, stalking, sounds or display of a nature with sexual overtures.

The following circumstances, amongst other circumstances if present in relation to or connected with any act or behaviour of sexual harassment may amount to SH:

- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about present or future employment status
- Interference with work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety

Acts of sexual behavior which may arise out of coercion ranging from pressure for personal favors to sexual favor such as a '*Quid pro quo*', intrusion into the private lives, etc., or that which may lead to hostile working condition may also be considered as a form of sexual harassment. It also includes a demand or request for sexual favors in return of work related favors such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition or a promise thereof. It may also include the threat of or of the commission of detrimental behavior when a sexual favor is rejected.

Sexual harassment need NOT involve physical contact alone. Any act that creates a hostile work environment - be it by virtue of cracking lewd jokes, verbal sexual abuse, circulating lewd rumors etc. counts as sexual harassment.

- II. **Complainant:** The person who files a complaint of sexual harassment.
- III. **Aggrieved Person:** The person who is subjected to an act of Sexual Harassment.
- IV. **Respondent:** The person against whom a complaint of sexual harassment is filed
- V. **Internal Committee (hereinafter referred to as "Committee" or "IC"):** An Internal Committee formed for enquiring into the complaints of sexual harassment and carrying out such other duties as prescribed Under the Act.
- VI. **Presiding Officer:** means a senior female employee of the Company appointed as the chairperson of the Committee and also who has the veto powers.
- VII. **'Employee'** means a person employed at or affiliated with the Company or its affiliates, for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, intern, apprentice or called by any other such name.



VIII. **'Workplace'** means premises of the Company and its affiliates, and any place visited by the Employee arising out of or during the course of employment including transportation provided by the Company for official or statutory purposes, and also applies to the virtual/online workplace when Employees are working from home.

#### **4. Internal Committee (IC or Committee):**

##### **4.1 Constitution and Role:**

- a. In accordance with the Act, to manage the process of inquiry and redressal of sexual harassment complaints and other such similar duties, the company shall have in place a committee called Internal Committee ("Committee" or "IC") and notify names and contact details of such committee on the notice board at all times.
- b. The Committee comprises 3 internal members and 1 external member.
- c. At least 50% of the Internal Committee members have to be women;
- d. The Presiding Officer: Shall be a senior woman employee on the rolls of the Company;
- e. External Member: shall be a person from NGOs or associations committed to the cause of women or a person familiar with issues relating to sexual harassment;
- f. Members: shall be Employees of the Company, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- g. The Internal Committee members can hold office for a maximum term of 3 years from the date of their nominations;
- h. Where the Presiding Officer or any member of the Committee –
  - Contravenes the provisions of Section 16 of Sexual Harassment Act 2013 (Pertaining to obligation of confidentiality),
  - Has been convicted for an offence or any inquiry into an offence under any law for the time being in force pending against him/her or
  - Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him or
  - Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest.

Such Presiding Officer or Member, as the case may be, shall be removed from the committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provision of this section.





#### 4.2 Functions and Powers of the Internal Committee:

- a. The Committee established in the Company's office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Management and the Committee shall hold the inquiry in accordance with the service rules applicable to the Respondent.
- b. The Committee shall have the power of a Civil Court for conducting an inquiry and also have the powers –
  - I. to summon witnesses and documents
  - II. to recommend transfer and/or suspension;
  - III. to recommend penalties as per the Service Rules of the Company.
  - IV. the Committee shall submit its Report along with the recommendation to the Management for further necessary action.
- c. The Committee shall organize awareness programs to sensitize the employees about the Act and the POSH policy of the Company.
- d. Committee to submit an annual report - The Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the District Officer.
- e. The Committee shall meet once a quarter and review preparedness to fulfill all requirements of the Act and this Policy. Even in the event of there being no reported case of harassment, the Committee shall meet once in a quarter as aforesaid and review the preparedness of the Company in this matter.
- f. The Presiding Officer of the Committee shall have veto power in case of a deadlock within the committee while arriving at findings in respect of a complaint.
- g. The minutes of every meeting shall be recorded in the Minutes of the meeting maintained for the purpose and shared with the committee members over an email.

#### 5. Process of filing a complaint of SH:

- a. An Aggrieved Person/Complainant may send a written complaint/email the complaint with any or all the members of the Committee.
- b. If an Aggrieved Person is not able to make a complaint on account his/her/their physical or mental incapacity or death or otherwise, her/his/their legal heir or such other person as may be prescribed, make a complaint on behalf of him/her/them.
- c. Any aggrieved person/Complainant may make in writing/email, a complaint of sexual harassment at workplace to the Committee within a period of **three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.**



- d. Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the Committee shall render all reasonable assistance to the person for making the complaint in writing.
- e. Provided further that the Committee, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

**6. Complaint Redressal process:**

Depending upon the nature of the Complaint, the Committee may conduct a Conciliation/inquiry, if the complainant requests for conciliation. For this purpose, within 3 days from the date of receipt of the Complaint, the Committee shall meet the Complainant to explain the two options of redressal viz., conciliation and inquiry, so as to enable her/him/them to choose as he/she/they deem fit.

**6.1. In case of a Conciliation:**

- a) In the event the Complainant chooses conciliation, she/he/they shall immediately issue a written request thereof, based on which the Committee shall issue notices of conciliation to the Parties to meet them, either jointly or separately (as it may deem fit) to conduct the conciliation proceeding.
- b) At the conciliation proceeding, the Committee shall provide an opportunity to the Complainant as well as the Respondent to represent their position and provide their explanations. Thereafter the Committee shall provide all reasonable assistance to parties to come to a settlement.
- c) The committee will provide copies of the settlement arrived at after the conciliation process to the Complainant as well as the Respondent.
- d) Upon conclusion of the conciliation proceedings, the Committee shall issue its Report with recommendations to the Employer for further action, if required, as per the service rules of the Company.
- e) The Committee shall attempt to conclude the conciliation within 10 working days.

**6.2. In case of an Inquiry into a complaint**

- a) In the event, an inquiry is found to be necessary as the conciliation is not requested for, conciliation fails or conciliation is breached; the following procedure shall be adopted by the Committee:
- b) Committee shall, within 7 working days of receipt of the complaint, issue a copy of the Complaint to the Respondent so he/she/they may file his/her/their written response within 10 working days from receipt of a copy of the Complaint.



- c) For the purpose of making an inquiry in respect of complaint, the Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-
  - i. Summoning and enforcing the attendance of any person and examining him on oath;
  - ii. requiring the discovery and production of documents; and
  - iii. any other matter which may be prescribed.
- d) An inquiry is initiated through the members of the inquiry committee (committee members to decide who amongst them are the members who will form the quorum for conducting an inquiry). This initial phase of committee meeting together to discuss the complaint of sexual harassment, forming the inquiry committee and discussing the process with the Aggrieved Person and/or Complainant, Respondent (if any) shall be completed within a period of 7 working days from date on which conciliation fails, is not requested for at the initial meeting with the Complainant or upon breach of conciliation.
- e) If the Complainant and /or the Respondent desire to tender any documents by way of evidence before the Committee, she/he/they shall supply original copies of such documents. Both shall affix his / her/their signature on the respective documents to certify these to be original copies.
- f) Written record of all discussions held during proceedings to be maintained by the committee. The Committee shall record the statements made by the parties and the witnesses on a verbatim basis and shall not preclude or paraphrase any portion thereof.
- g) The inquiry shall be completed within a maximum period of 90 working days from the date of commencement of inquiry.
- h) Report of findings is to be submitted by the Committee forming the quorum for the inquiry to the Employer within a maximum period of 10 working days from the date of conclusion of the inquiry proceedings.
- i) The Employer shall implement the recommendation given by the committee in its findings report within a maximum period of 60 days from the date of receipt of the report.
- j) In accordance with principles of natural justice, during the proceedings of inquiry, both parties will be given a fair opportunity to be heard.
- k) Where the Inquiry Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken against any party in the matter.
- l) Where the Inquiry Committee arrives at the conclusion that the allegation against the Respondent has been proved as true, it shall recommend to the employer to take action against the Respondent for sexual harassment as per the service rules of the Company.





- m) Where the Inquiry Committee arrives at the conclusion that the allegation against the Respondent has been proved to be false, it shall recommend to the employer to take action against the Complainant as per the service rules of the Company.
- n) Where it is found during the inquiry any witness has given false evidence or produced any forged or misleading document, the Inquiry Committee may recommend to the Employer, to take strict disciplinary action as per the service rules.
- o) The final decision shall be communicated to the Aggrieved Person and /or the Complainant and the Respondent in all the instances above.
- p) The end-to-end process of initial discussion with the Complainant, attempt at conciliation, issuing complaint copy to the Respondent for his reply identifying quorum for inquiry, Investigation procedure, Decision making and reporting should be completed within a maximum period of 90 working days from the date of commencement of the inquiry.

**7. Functions of inquiry committee:**

- a) To notify the Complainant and/or Aggrieved Person and the Respondent, in writing/email the time and dates of the hearings of inquiry to be held.
- b) A copy of the statement of complaint is to be given to the Respondent with a reasonable time to study the same prior to appearing before the inquiry committee appointed for this purpose.
- c) Inquiry is to be conducted in a neutral location that provides an environment conducive for both the Complainant and the Respondent.
- d) Appropriate recordings of each inquiry sitting and observations shall be made by the committee members.
- e) The conclusion of the findings and report to be handed over to the Chairperson of the Committee, who will study and communicate the verdict to the Employer. A copy of such report shall be issued to the parties before submitting it to the Employer.

**8. Prohibition of publication or making known contents of complaint and inquiry proceedings:**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and Inquiry proceedings, recommendations of the Committee or the Local Committee, as the case may be, and the action taken by the Employer or the District Officer stipulated under the provisions of law shall not be published, communicated or made known to the public, press and media in any manner. The employer shall take appropriate action against such person, who contravenes the confidentiality of the matter, as per the Act and the company service rules.



**9. Appeal:**

If either party desires to appeal the decision, he/she/they may appeal to the appropriate appellate authority within the period of 90 days as per section 18 of the Act.

**10. Third-party harassment:**

Any harassment brought to the notice of the Company arising out of an act or omission by any Third Party or an outsider, the Company will take necessary and reasonable steps in assisting the affected person in terms of support and preventive action.

The intent of this policy is to create a harmonious & safe working environment. To ensure that this is upheld in both letter and spirit, we urge the Company employee to desist from lodging wrongful allegations.

This applies to Third Parties also.

**11. Disciplinary action:**

Disciplinary action shall be taken by the employer upon the recommendation given by the Inquiry Committee as per the service rules of the Company.

Such Disciplinary action may include:

- i. Written Apology
- ii. Warning,
- iii. Reprimand or censure
- iv. Withholding of promotion,
- v. Withholding pay rise or increment
- vi. Terminating from the services

**13. Roles and Responsibilities:**

**13.1. Employees:** Are encouraged to familiarize themselves with the key elements of the policy and should:

- I. Abstain from committing any acts which amount to sexual harassment at workplace.
- II. Report incidents of sexual harassment without fear or seeking favor.
- III. Create an environment of conduciveness for co-workers to work together without fear of harassment.
- IV. Get clarifications from HR / Committee whenever in doubt.

**13.2. Employer:** Every Employer shall—

- I. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- II. Display at notice board in the workplace, the penal consequences of sexual harassment; and the order constituting the Committee;
- III. Display the POSH Policy and Committee details on the Company website.
- IV. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Committee in the manner as may be prescribed;
- V. Provide necessary facilities to the Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;





- VI. Assist in securing the attendance of respondent and witnesses before the Committee or the Local Committee, as the case may be;
- VII. Provide assistance to the aggrieved person if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- VIII. Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved person so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- IX. Monitor the timely submission of reports by the Committee.

**14. Power to make Rules and Amendment:**

The power to make rules pertaining to sexual harassment at workplace vests with the management of the Company.

Any changes to these rules shall be suitably communicated to all the employees.

**Leitz Tooling Systems India Pvt Ltd.**

  
Employer

